

# INDIANA ADULT PROTECTIVE SERVICES (APS)

Established in 1985

# Adult Protective Services

- Please write down your definition of  
Adult Protective Service

# Origin of Adult Protective Services

- In 1985 the Indiana State Legislature passed legislation to establish the **Adult Protective Services** program. This statute specifically addresses the protection of endangered adults from **abuse, neglect, and exploitation** by creating the **Adult Protective Services** program.
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- While the Federal government mandated the program, Indiana Legislators created and funded **APS**. The Indiana Prosecuting Attorney's Council was asked to assume functional control and assist in making the program work. The council established the geographic boundaries and formulated the original distribution of funds. The program is currently administered through the Division of Aging who now manages the disbursement of funds.
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- Staffs of APS investigators were employed by, and operate out of eighteen different "**HUB**" prosecutors' offices. Indiana is the only state in which the APS workers are not solely social service personnel. Advantages in this arrangement include immediate access to a prosecutor, law enforcement, and the courts; which in-turn permits the active pursuit of sanctions against the perpetrators. Although the immediate goal of APS remains to eliminate the threat and protect an endangered adult, bringing an abusive predator before the justice system is also a priority of APS.
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- The APS investigators are charged with the investigation of all complaints, which allege the abuse, neglect, or exploitation of an endangered adult.
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# Who's an endangered Adult:

- IC 12-10-3-2
- "Endangered adult" defined:
  - Sec. 2. (a) Except as provided in subsection (b), as used in this chapter, "endangered adult" means an individual who is:
    - (1) at least eighteen (18) years of age;
    - (2) incapable by reason of mental illness, mental retardation, dementia, habitual drunkenness, excessive use of drugs, or other physical or mental incapacity of managing or directing the management of the individual's property or providing or directing the provision of self-care; and
    - (3) harmed or threatened with harm as a result of:
      - (A) neglect;
      - (B) battery; or
      - (C) exploitation of the individual's personal services or property.
  - (b) For purposes of IC 12-10-3-17, IC 35-42-2-1, and IC 35-46-1-13, "endangered adult" means an individual who is:
    - (1) At least eighteen (18) years of age;
    - (2) Incapable by reason of mental illness, mental retardation, dementia, or other physical or mental incapacity of managing or directing the management of the individual's property or providing or directing the provision of self-care; and
    - (3) Harmed or threatened with harm as a result of:
      - (A) Neglect; or
      - (B) Battery.
- Who is not an endangered Adult:
  - (c) An individual is not an endangered adult solely:
    - (1) for the reason that the individual is being provided spiritual treatment in accordance with a recognized religious method of healing instead of specified medical treatment if the individual would not be considered to be an endangered adult if the individual were receiving the medical treatment; or
    - (2) on the basis of being physically unable to provide self care when appropriate care is being provided.

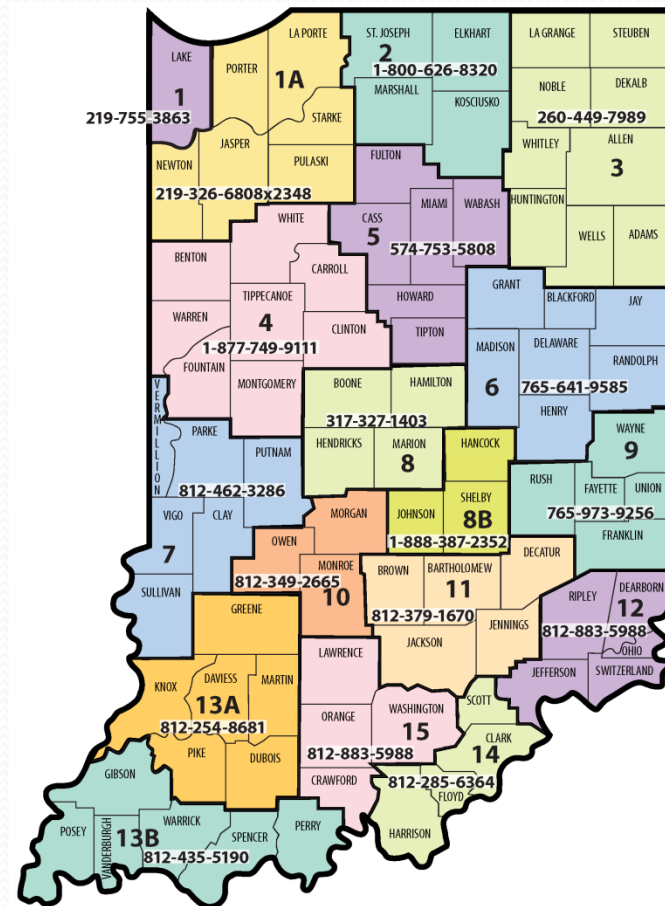
# Responsibilities of APS units:

- **Responsibilities of APS**
- IC 12-10-3-8
- **Duties of adult protective services unit having reason to believe individual is endangered adult**
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- Sec. 8. If the adult protective services unit has reason to believe that an individual is an endangered adult, the adult protective
- services unit shall do the following:
- (1) Investigate the complaint or cause the complaint to be investigated by a law enforcement or other agency and make a determination as to whether the individual reported is an endangered adult.
- (2) Upon a determination that an individual is an endangered adult under this chapter, do the following:
- (A) Initiate procedures that the adult protective services unit determines are necessary, based on an evaluation of the needs of the endangered adult, to protect the endangered adult.
- (B) Coordinate and cooperate with the division or other appropriate person to obtain protective services for the endangered adult, including the development of a plan in cooperation with the endangered adult, whereby the least restrictive protective services necessary to protect the endangered adult will be made available to the endangered adult.
- (C) Monitor the protective services provided the endangered adult to determine the effectiveness of the services.
- (D) Comply with the notification requirements described in sections 21(4) and 28(b)(5) of this chapter.
- *As added by P.L.2-1992, SEC.4. Amended by P.L.110-1996, SEC.2.*
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# How Do you Contact APS:

- #1:
- Hot line number:  
**1-800-992-6978**

- #2: APS Locations



# Mandatory Report State:

- IC 12-10-3-9
- Duty to report endangered adult
- IC 12-10-3-10
- Reports; communication; contents
- IC 12-10-3-11
- Immunity from civil and criminal liability; privileged information;
- whistleblower retaliation
- IC 35-46-1-13  
Battery, neglect, or exploitation of endangered adult;  
failure to report; unlawful disclosure; referrals; retaliation

# **: Administrative Rule:**

## **Rule 8. Protecting Individuals**

- **Rule 8. Protecting Individuals**
- **455 IAC 2-8-1 Procedures for protecting individuals**
- Authority: IC 12-9.1-2-3; IC 12-10.5-2-2
- Affected: IC 12-10
- (d) Each provider of services shall establish a written procedure for the provider or for an employee or agent of the provider
- for informing: (1) APS or CPS as applicable;



# **: Administrative Rule:**

## **Rule 8. Protecting Individuals**

- **455 IAC 2-8-2 unusual occurrences; reporting**
- Sec. 2. (a) Incidents falling in the category of unusual occurrences, as defined in subsection (b), shall be reported to the following:
- (1) Division on Aging within the approved, specified time frame on the prescribed incident reporting format approved by the Division of Aging.
  - 24hrs Abuse, Neglect, Exploitation and Death
  - 48 hrs for all other occurrences.
- (2) As applicable, APS or CPS.



- Questions ?

# Adult Protective Services

- Sherry L. Beck, Acting Director
- Adult Protective Services
- Division of Aging
- Indiana Family and Social Services Administration
- Off:317-232-0135
- cell:317-460-0424
- Sherry.Beck@FSSA.in.gov
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